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Dated: October 7, 2009 Signature: /David A. Gass #38,153/
(David A. Gass)

Docket No.: 28967/34891.1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Kari Alitalo et al.

Application No.: 10/774,802

Confirmation No.: 9059

Filed: February 9, 2004

Art Unit: 1647

Title: (As amended herein) THERAPY TARGETING
FLT4 (VEGFR-3) EXPRESSED IN BLOOD
VESSELS

Examiner: Ian Dang

INTERVIEW SUMMARY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

Applicants thank Examiner Dang, SPE Bob Landsman,¹ and Quality Assurance Specialists Bennett Celsa and Dave Nguyen for their time and courtesy extended to the undersigned attorney during an in-person interview related to the above-identified patent application on September 21, 2009.

The main focus of the interview was the Office's outstanding double patenting rejections in the case, and Applicants' explanation of why these rejections should be withdrawn, including that:

I. Claims reciting "blood vessel (or vascular) endothelial cells" or "blood vessels" are non-obvious over the claims of the '777 patent reciting "cells" or "endothelial cells." (At least claims 46, 62, 67, 68, 72, 77, 78, 81, 82, 84-86, 89-92, 94, 96, 99, 102, 103, 104-107, 113 and 114.)

¹ Participated by telephone.

II. Claims reciting a step comprising screening for a condition characterized by blood vessel expression of Flt4 are non-obvious over the claims of the '777 patent. (At least claims 64, 67, 68, 87, 89, 91, 92, 102, 106, 107, 110, 111, 113, 116, 118 and 121.)

III. Claims reciting bispecific antibodies are non-obvious over the claims of the '777 patent reciting an anti-Flt4 antibody. (At least claims 46, 48, 62, 68, 70, 72-75, 77-80, 82, 86, 90, 92, 104, 107 and 109)

IV. A monitoring step would not have been obvious from the claims of the '777 patent. (At least claims 114, 115 and 117)

V. Claim preambles relating to the targeting of blood vessels are limitations that distinguish the application claims from claims of the '777 patent. (At least claims 62, 77, 81, 82, 94, 103 and 104.)

Applicants' written response to the most recent Office action provide a more detailed analysis of why the rejections should be withdrawn, as well as a citation of authority from the Board and Federal Circuit.

In the course of this discussion, the biology of VEGFR-3 (an endothelial *cell surface receptor tyrosine kinase with a transmembrane domain*) and VEGFR ligands (including VEGF-C and VEGF-D, both *soluble, secreted proteins*) was discussed.

Support for a monitoring step as recited in certain claims also was discussed, and the Examiners expressly requested that Applicants file an interview summary addressing support for these claims. Referring to the published application (US 2004/0208879), explicit support for a monitoring step can be found, e.g., in paragraph [0051]: ("Monitoring the progression of the therapy, patient side effects, and circulating antibody levels will provide additional guidance for an optimal dosing regimen....") See also the Examples, e.g., at paragraphs [0257] to [0258] and [0271]. A person of ordinary skill understands from the application that, to monitor the progression of therapy targeted to Flt4 expression in blood vessels, monitoring would include measuring the quantity or distribution of Flt4 within blood vessels, which can be performed using the techniques described in the application for

screening for Flt4 in blood vessels. Exemplary techniques for such monitoring are described, e.g., in paragraphs [0058] to [0060]; and paragraphs [0106] to [0108].

The Examiner is invited to telephone the undersigned attorney to attempt to expedite allowance or answer additional scientific questions that may arise. Applicants believe that the pending application is in condition for allowance.

Dated: October 7, 2009

Respectfully submitted,

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